

SHAW, PERELSON, MAY & LAMBERT, LLP

**ATTORNEYS AT LAW
21 VAN WAGNER ROAD
POUGHKEEPSIE, NEW YORK 12603
(845) 486-4200
FAX (845) 486-4268**

**WESTCHESTER OFFICE
115 STEVENS AVENUE
VALHALLA, NEW YORK 10595
(914) 741-9870
FAX (914) 741-9875**

**STEPHEN A. PERELSON (1941-2002)
DAVID S. SHAW
MARGO L. MAY
MICHAEL K. LAMBERT
MARC E. SHARFF
BETH L. HARRIS
STEVEN M. LATINO
JULIE M. SHAW**

**-----
GARRETT L. SILVEIRA
ELIZABETH A. LEDKOVSKY
ZACHARY A. A. TAYLOR**

**MARK C. RUSHFIELD *
OF COUNSEL
JOHN E. OSBORN
OF COUNSEL**

MEMO ENDORSED

also admitted in New Jersey

February 14, 2020

Via ECF

Hon. Kenneth M. Karas, United States District Court Judge
United States District Court, Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Peter Rutherford, Ana Rutherford, etc. (P.C.R. and A.D.R.) v. Florida Union Free School District, et al., Civil Action No. 16-CV-9778 (KMK); Letter Motion for Extension of Discovery and Adjournment of Conference

Dear Judge Karas:

This office represents the Defendant Florida Union Free School District in this matter. I am writing to the Court on behalf of counsel for all parties, requesting an extension of the discovery deadline in this case until March 20, 2020 and for an adjournment of the conference scheduled before the Court on February 26, 2020. As concerns the extension of the discovery deadline, this is the second request made in this case. As concerns the adjournment of the February 26, 2020 conference, this is the parties' first request.

On May 16, 2019, the Court had originally So Ordered a discovery schedule submitted on consent by counsel for the Plaintiffs that set a deadline for fact depositions by November 22, 2019 and all discovery completion by February 21, 2020. Upon the Defendants' application, on consent of the Plaintiffs, for an extension of the fact depositions cut-off because of the over 9,000 pages of documents and over 50 recordings produced in advance of the scheduled depositions of the Plaintiffs, the Court thereafter rendered an Order on November 18, 2019 for completion of all discovery by January 22, 2020 and scheduled the February 26, 2020 conference. It is not clear why the Court then provided for all fact discovery to be completed a month before the date the Court had originally set.

However, due to multiple scheduling issues concerning the availability of the Plaintiff parents, current and former employees of the Defendant BOCES and employees of the Defendant school district for deposition, as well as concerning availability of all parties' counsel to attend, the fact depositions have not yet been fully completed; but, as of now, completion of depositions of all those witnesses and of a subpoenaed third-party witness are scheduled to occur by February 27, 2020. It is not yet certain whether, in light of information that may arise during these scheduled depositions, completion of that discovery will end the need for any further depositions, although it is currently anticipated that these scheduled depositions will complete discovery for the case.

In this light, -counsel for the parties request that the schedule for completion of all discovery, including fact depositions, be extended until March 20, 2020 and that the Court reschedule the conference before it to a date after that date

Thank you for your anticipated consideration of this request.

Very truly yours,

SHAW, PERELSON, MAY & LAMBERT, LLP

BY: /S/
MARK C. RUSHFIELD, ESQ.

MCR/hs

cc: Caroline B. Lineen, Esq., *Via Email*
Michael H. Sussman, Esq., *Via Email*
Angel A. Castro, Esq., *Via Email*

Granted. The next conference
is rescheduled for 4/17/2020 at
2:00 p.m.
Accordingly, any pre-motion
letter is due 4/3/2020, and
non-movant's response is
due 4/10/2020.

SO ORDERED

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KENNETH M. KARAS, U.S.D.J.

2/18/2020